

OGC 78-1665

17 March 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM: Anthony A. Lapham

General Counsel

SUBJECT: Sources and Methods Legislation

REFERENCE: Your Memo to Me, Dtd 6 March 78, Same Subject

1. Action Requested: Your consideration of and signature to the attached letter to the Attorney General.

2. Background: This letter is concerned principally with your request in paragraph 1.a. of the referenced memorandum to develop a short memorandum to the Attorney General on the unfinished business of the PRM-ll report to the SCC on unauthorized disclosure legislation. I have also made reference to the proposed revision of our secrecy agreement and the use of civil sanctions as mentioned in your paragraphs 1.b. and c. In order to emphasize your concern with the lack of action by the Department of Justice on the revised report to the SCC, this letter does not include a draft of secrecy agreement language or an outline of our thoughts on civil remedies. I think it is better to treat those separately and to deal with the Office of Legal Counsel directly before we make formal proposals. We are working on these matters now.

3. Recommendation: That you approve and sign the attached letter to the Attorney General.

STAT

Anthony A. Lapham

Attachment

OGC:JDM:sin

Distribution:

Original - DCI w/att (Ltr sent to AG, memo returned to OGC)

1 - DDCI

1 - OGC

1 - OLC

Washington, D.C. 20505

P-135.1

17 March 1978

The Honorable Griffin B. Bell  
Attorney General  
Department of Justice  
Washington, D. C. 20530

Dear Griffin:

I am concerned at the lack of progress toward a unified Administration position on legislation which would aid in the protection of intelligence sources and methods from unauthorized disclosures.

The 27 May 1977 proposed report by the interagency PRM/NSC-II subcommittee to the SCC on unauthorized disclosures of classified information was not accepted by the SCC working group and was returned to the Department of Justice for review. It seems unlikely that there will be an Administration position on this subject until a revised report reaches the SCC. In the meantime well-publicized unauthorized disclosures continue to be made and uncoordinated legislative proposals sometimes directed at only one or a few parts of the problem are offered.

The fact that intelligence charter legislation (S. 2525) and criminal code revisions (S. 1437) are under active consideration makes it imperative that a unified Administration position be reached at an early date so that disclosure legislation may be offered on a coordinated basis rather than as a patchwork of provisions and separate bills.

Aside from possible criminal sanctions, I would like to consider the use of civil sanctions and improved administrative remedies. In this regard my General Counsel is working on a review of our secrecy agreement to make explicit the employee's right to take grievances to the IOB and the intelligence committees and is also reviewing the possibility of including a provision on assignment of royalties in cases of unauthorized publication in breach of the secrecy agreement.

Mr. Lapham will be in touch with Mr. Harmon on the question of civil and administrative remedies and will provide any assistance possible toward an early revision of the proposed report to the SCC on unauthorized disclosures.

Yours,

  
STANSFIELD TURNER

OGC 78-1439

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Executive Registry  
78-8438/1

6 MAR 1978

MEMORANDUM FOR: General Counsel  
FROM: Director of Central Intelligence  
SUBJECT: Sources and Methods Legislation  
REFERENCE: Memo for DCI from Acting Legislative Counsel,  
dtd 27 February 1978, same subject

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1. I have a copy of [ ] memo on sources and methods legislation. I agree with his suggestion that we must get going in moving the Administration towards a unified position. I'd like to consider proceeding in the following way:

a. Develop a very short memo from me to the Attorney General, copy to Dr. Brzezinski, citing the fact that we have this unfinished business hanging over from PRM-11-- i.e., the ball is in Justice's court.

b. Include a suggestion that we revise our Secrecy Agreements in accordance with the suggestion the Vice President made to me recently (add a statement that Agreement does not preclude the employee from going to IG, IOB, SSCI/HPSCI with complaints) and enclose a draft of the new language to that effect--I believe we should go ahead with this even though the Snepp case may be in progress. We should, however, let the Attorney General know that we're contemplating this so that if he really feels it would prejudice the Snepp case he can so advise us.

c. Suggest to the Attorney General that we consider civil sanctions and enclose an attachment that would give a reasonably specific outline of what we have in mind. It seems to me that if we try for this concurrently with some general jurisdiction we have a fall-back position and we would always have the recourse to the civil method if it was applicable and satisfactory.

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d. That we not take a specific position on what criminal legislation might look like but recommend that this be further defined by the working group.

2. At the same time, [redacted] promised me to develop some legislation that would take into account human source intelligence and one other which I can't recall. I would like to keep in touch with her and see how that is coming.

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[redacted]  
STANSFIELD TURNER

25X1

cc: Legislative Counsel

78-1181

Pro-Log

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
	UNCLASSIFIED	CONFIDENTIAL	SECRET
<b>OFFICIAL ROUTING SLIP</b>			
TO	NAME AND ADDRESS	DATE	INITIALS
1	OHC		
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ACTION	DIRECT REPLY	PREPARE REPLY	
APPROVAL	DISPATCH	RECOMMENDATION	
COMMENT	FILE	RETURN	
CONCURRENCE	INFORMATION	SIGNATURE	
Remarks:			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.		DATE	
OGC			
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